IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 22095 of 2007(E)

PETITIONER:

THE MELUR SERVICE CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS SECRETARY,
CHELIYA, KOYILANDI.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

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1. **THE JOINT REGISTRAR(GENERAL),**
   OFFICE OF THE JOINT REGISTRAR,
   KOZHIKODE.

2. **THE SUPERINTENDENT OF POLICE(RURAL),**
   KOZHIKODE.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   KOYILANDI, KOZHIKODE.

4. **THE SUB INSPECTOR OF POLICE,**
   KOYILANDI, KOZHIKODE.

5. **CHATHAPPAN MASTER,**
   DIRECTOR, MELUR SERVICE CO-OPERATIVE BANK,
   RESING AT PULINHOLI HOUSE, MELUR POST,
   EDAKULAM, KOYILANDI, KOZHIKODE DISTRICT.

6. M.M.DAMODARAN,
DIRECTOR, MELUR SERVICE CO-OPERATIVE BANK,
RESIDING AT MAVILERI MEETHAL HOUSE,
CHELIYA POST, EDAKULAM, KOYILANDI,
KOZHIKODE DISTRICT.

7. P.KRISHNAN,
DIRECTOR, MELUR SERVICE CO-OPERATIVE BANK,
RESIDING AT POKKERI HOUSE, CHELIYA POST,
EDAKULAM, KOYILANDI, KOZHIKODE DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R5 TO R7 BY ADV. SRI.B.V.JOY SANKER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 22095 OF 2007 E

Dated this the 27th July, 2007

JUDGMENT

Petitioner is a Service Co-operative Bank. The short case of the petitioner is as follows:

It is a Class I Bank with a deposit of more than Rs.10 Crores. It has a Main Branch and two Branches and a Neethi Store and a fertilizer depot. As per the Statute, the vacancies to the posts of Peons and Attenders have to be made by the Managing Committee after conducting written test by an outside agency and after due publication in the vernacular Dailies. As per the approved staff pattern of the Bank, the Bank has three posts of Peons and two Attenders. The Bank has only one Peon and two Attenders. The Board of Directors decided by Ext.P1 resolution to appoint an outside agency for conducting written test for appointing two Peons. The decision was unanimous. But, respondents 5 to 7 who owe allegiance to the LDF, did not put their signature in the Minutes Book. The examination could

not be held on 30.6.2007 on account of the fact that the examination was disrupted by certain miscreants. According to petitioner, they were shouting slogans owing allegiance to DYFI. A FIR was registered as Ext.P3. Petitioner also filed Ext.P4 petition before the fourth respondent. In view of the disruption of the test, the Board by Ext.P5 resolution, which is again stated to be unanimous, decided to conduct written test on 22.7.2007. Respondents 5 to 7 also signed. Petitioner sought police protection by filing Ext.P6 before the fourth respondent. But, in the meantime, Ext.P7 order is passed by the first respondent, Joint Registrar staying the holding of the written test, which is stated to be pursuant to a complaint made by respondents 5 to 7. Petitioner challenges the same.

2. I heard the learned counsel for petitioner, respondents 5 to 7 as also the learned Government Pleader. Learned counsel for the petitioner points out that the Bank is put to great difficulties as there is a Main Office and two Branch Offices and there is only one Peon as against three posts which the petitioner

is entitled to fill up. Of course, one of the main complaints is that the name of the outside agency is not disclosed. But, the learned Government Pleader did not dispute the fact that in Ext.P5, the name of the outside agency is disclosed. I also note that there are admittedly nine Members in the Committee and even proceeding on the basis that respondents 5 to 7 are not parties to the decision as claimed by the petitioner, even then, there is a decision by the majority to conduct the written test. As submitted by the Government Pleader, petitioner is entitled to have three Peons and there is only one Peon at present. It is entitled to conduct written test through an outside agency. An outside agency is admittedly there, as revealed from Ext.P5. There is a decision of the Committee, at any rate, by a majority. In such circumstances, it may not be proper to veto the decision of the Managing Committee to fill up the post of Peons. In such circumstances, I do not find any ground not to interfere with Ext.P7. Accordingly, Ext.P7 is quashed. Regarding the second prayer, namely to direct respondents 2 to 4 to grant adequate

police protection for the smooth conduct of the proposed test, I leave open the right of the petitioner to approach the appropriate Bench of this Court, if it is so advised.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

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